

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOSEPH W. HUBER, JR.,

Petitioner,

: Case No. 3:11-cv-008

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, Chillicothe Correctional
Institution,

:

Respondent.

**ORDER REPORT AND RECOMMENDATIONS ON PETITIONER'S
MOTION FOR SUMMARY JUDGMENT**

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 25), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on September 9, 2013, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Petitioner's Motion for Summary Judgment be, and it hereby is, DENIED.

September 17, 2013

s/Thomas M. Rose

Thomas M. Rose
United States District Judge